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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,638	05/18/2001	Koji Fujita	SON-2097	3892

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EXAMINER

HARPER, HOLLY R

ART UNIT

PAPER NUMBER

2879

DATE MAILED: 02/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application #

09/859,638

Applicant(s)

FUJITA ET AL.

Examiner

Holly R. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 8-25 is/are pending in the application.
- 4a) Of the above claim(s) 3-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 8-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I in Paper No. 7 is acknowledged. It is noted that Application file record as a whole reflects that the Applicant does not challenge the Examiner's assertion that the inventions of Group I and Group II are distinct. Accordingly, the Examiner has established a good and sufficient showing that invention of Group I and Group II are distinct.

The Applicant traverses the assumption that sufficient burden exists on the Examiner in the prosecution of Groups I and II together. The Examiner's reasons for establishing burden are that a separate search would be required for both groups. This is evident in the fact that the groups have obtained separate classification in the art. This statement properly satisfies the criteria for establishing undue burden in accordance with M.P.E.P. 808.02(A), therefore, Applicant's traversal of the restriction requirement is not found persuasive.

Response to Amendment

2. The Amendment, filed on 1/7/03 has been entered and acknowledged by the Examiner. Claims 8-25 have been entered. Claims 3-7 have been withdrawn from consideration as being drawn to a non-elected group.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwartz (USPN 3,910,806).

In regard to claim 1, the Schwartz reference discloses a transfer film comprising a base, a metal layer on the base, and an adhesive on the metal layer (Column 4, Lines 10-15).

In regard to claims 12 and 13, the Schwartz reference discloses that the metal layer is made of aluminum, a metal back film (Column 3, Lines 35-38).

In regard to claim 14, the Schwartz reference discloses that the adhesion layer comes in contact with the metal film (Figure 5, Elements 16 and 14).

In regard to claim 15, the Schwartz reference discloses that the adhesion layer is used to adhere to the inside surface of a cathode ray tube (Figure 6, Element 18 and 16).

4. Claims 1 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Yuzo (JP 01167933).

In regard to claim 1, the Yuzo reference discloses a transfer film composed of a base film, a released layer, fluorescent layer, conductive layer, and adhesive layer (2nd paragraph of abstract).

In regard to claim 8, the Yuzo reference discloses a released layer (cushion film) made of resin is between the base film and the conductive film (Figure 1). Because the base film and released layer are removed, it is obvious that the adhesiveness of the cushion film to the base film is stronger than the adhesiveness of the cushion film to the metal layer.

In regard to claim 9, the Yuzo reference discloses that the cushion film comes in contact with the base film (Figure 1).

Regarding claim 10, the Yuzo reference discloses a plate (cover film). The adhesive layer is between the conducting film and the cover film. (Figure 1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz in view of Utsumi (USPN 5,418,075).

The Schwartz reference discloses all the limitations of claim 1 above.

In regard to claim 11, the Schwartz reference discloses a base film but doesn't specify the materials used to make the film. The Utsumi reference teaches that the base film for a transfer film used with cathode ray tubes can be made of polyethylene terephthalate. This is an art recognized specific embodiment of the general term base film used in transfer films.

Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate polyethylene terephthalate as the material for the base film, as taught by Utsumi.

7. Claims 2, 19-20, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz (USPN 3,910,806) in view of Nishimura et al. (USPN 5,141,461) hereinafter "Nishimura".

In regard to claims 2 and 20, the Schwartz reference discloses a transfer film comprising a base, a metal layer on the base, and an adhesive on the metal layer (Column 4, Lines 10-15).

The Schwartz reference does not disclose that a heat absorption film is incorporated in the transfer film. The Nishimura reference teaches that a blackening film can be formed on the back of the metal layer. The blackening film helps with the absorption of the radiation heat from

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the mask on the appearance of the picture. It reduces the thermal reflection from the metal surface, which prevents the temperature of the mask from increasing. The blackening layer is formed in such a way that a barrier layer is created and then graphite slurry is spray-coated on (Column 2, Lines 1-20).

Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate a heat absorption film on the back of the metal layer, as taught by Nishimura, to help absorb radiation heat from the mask.

In regard to claim 19, the Nishimura reference discloses that the heat absorbing layer is disposed onto the surface of a cathode ray tube (Column 2, Lines 1-9).

In regard to claim 19, the recitation “absorbs heat from an aperture grill” has not been given patentable weight because is considered an intended used recitation. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

In regard to claims 22 and 23, the Schwartz reference discloses that the metal layer is made of aluminum, a metal back film (Column 3, Lines 35-38).

In regard to claim 24, the Schwartz reference discloses that the adhesion layer comes in contact with the metal film (Figure 5, Elements 16 and 14).

In regard to claim 25, the Schwartz reference discloses that the adhesion layer is used to adhere to the inside surface of a cathode ray tube (Figure 6, Element 18 and 16).

8. Claims 2, and 16-18 are rejected under 35 U.S.C. 103(a) as being anticipated by Yuzo (JP 01167933) in view of Nishimura et al. (USPN 5,141,461) hereinafter “Nishimura”.

In regard to claims 2 and 18, the Yuzo reference discloses a transfer film composed of a base film, a released layer (cushion film), fluorescent layer, conductive layer, and adhesive layer, and a plate (2nd paragraph of abstract).

The Yuzo reference does not disclose that a heat absorption film is incorporated in the transfer film. The Nishimura reference teaches that a heat absorbing film can be formed on the back of the metal layer. The heat absorbing film helps with the absorption of the radiation heat from the mask on the appearance of the picture. It reduces the thermal reflection from the metal surface, which prevents the temperature of the mask from increasing (Column 2, Lines 1-9).

Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate a heat absorption film on the back of the metal layer, as taught by Nishimura, to help absorb radiation heat from the mask.

In regard to claim 16, the Yuzo reference in view of the Nishimura reference discloses a released layer (cushion film) made of resin between the base film and the heat absorption film (Figure 1). Because the base film and released layer are removed, it is obvious that the adhesiveness of the cushion film to the base film is stronger than the adhesiveness of the cushion film to the heat absorption layer.

In regard to claim 17, the Yuzo reference discloses that the cushion film comes in contact with the base film (Figure 1).

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz in view of Nishimura (USPN 5,141,461) in further view of Utsumi (USPN 5,418,075).

The Schwartz reference in view of the Nishimura reference discloses all the limitations of claim 2 and is described above.

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In regard to claim 21, the Schwartz reference discloses a base film but doesn't specify the materials used to make the film. The Utsumi reference teaches that the base film for a transfer film used with cathode ray tubes can be made of polyethylene terephthalate. This is an art recognized specific embodiment of the general term base film used in transfer films.


Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate polyethylene terephthalate as the material for the base film, as taught by Utsumi.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Holly Harper whose telephone number is (703) 305-7908. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (703) 305-4794. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Holly Harper 
Patent Examiner
Art Unit 2879


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